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WIRELESS SWITCH IP, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

WIRELESS SWITCH IP, LLC,	CASE NO. 3:17-cv-04232
Plaintiff,	**WIRELESS SWITCH IP, LLC'S COMPLAINT FOR PATENT INFRINGEMENT**
vs.	
MEDIATEK INC., MEDIATEK USA INC. SEEED DEVELOPMENT LIMITED, and SEEED INC.	**DEMAND FOR JURY TRIAL**
Defendants.	

1   Plaintiff Wireless Switch IP, LLC ("Wireless Switch IP"), by and through the undersigned

2   counsel, hereby files this Complaint and makes the following allegations of patent infringement

3   relating to U.S. Patent Nos. 7,356,351 (the "'351 Patent") and 7,647,070 (the "'070 Patent")

4   against Defendants MediaTek Inc., MediaTek USA Inc. ("MediaTek USA"), Seeed Development

5   Limited ("Seeed Development"), and Seeed Inc. ("Seeed Inc.") (collectively "Seeed") and

6   (collectively, "Defendants"), and alleges as follows upon actual knowledge with respect to itself

7   and its own acts, and upon information and belief as to all other matters.

8   **NATURE OF THE ACTION**

9   1.   This is an action for patent infringement.   Wireless Switch IP alleges that

10   Defendants infringe U.S. Patent Nos. 7,356,351 and 7,647,070 (collectively "the Wireless Switch

11   IP Patents").

12   2.   Wireless Switch IP alleges that MediaTek, Inc., MediaTek USA and Seeed directly

13   and indirectly infringe the Wireless Switch IP Patents by making, using, offering for sale,

14   importing, and selling the MediaTek LinkIt™ Assist 2502 ("LinkIt Assist 2502") and inducing

15   and contributing to the infringement of others.   Wireless Switch IP seeks damages and other relief

16   for MediaTek, Inc., MediaTek USA, and Seeed's infringement of the Wireless Switch IP Patents.

17   **THE PARTIES**

18   3.   Plaintiff Wireless Switch IP is a Texas limited liability company with its principal

19   place of business at 1400 Preston Road, Suite 400, Plano, Texas 75201.

20   4.   Upon information and belief, Defendant MediaTek Inc. is a corporation organized

21   under the laws of Taiwan with its principal place of business at No. 1, Dusing 1st Road, Hsinchu

22   Science Park, Hsinchu City 30078, Taiwan.

23   5.   Upon information and belief, MediaTek USA Inc. ("MediaTek USA") is a

24   corporation organized under the laws of Delaware with its principal place of business at 2840

25   Junction Avenue, San Jose, CA 95134. Upon information and belief, MediaTek USA is a wholly-

26   owned subsidiary of MediaTek Inc. MediaTek USA Inc. and MediaTek Inc. shall be collectively

27   referred to as "MediaTek" in the remainder of this Complaint. All allegations will apply equally

28   to each company as both are MediaTek entities.   Wireless Switch IP is further informed and

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COMPLAINT FOR PATENT INFRINGEMENT

1   believes, and on that basis alleges, that one or more officers, employees, contractors, or persons

2   otherwise authorized to perform duties on behalf of MediaTek Inc. and MediaTek USA have

3   made, used, sold and/or offered for sale products accused in this Complaint in the course of

4   performing their duties.   Based on the foregoing, Wireless Switch IP is further informed and

5   believes, and on that basis alleges, that all of the following allegations apply to both MediaTek,

6   Inc. and MediaTek USA equally.

7   6.   Upon Information and belief, Seeed Development Limited ("Seeed Development")

8   is a corporation with its principal place of business at Tower B 1/F, Shanshui Building, Nanshan

9   Yungu Innovation Industry Park Liuxian Ave. No. 1183, Nanshan District Shenzhen, Guangdong

10 P.R.C 518055. Upon information and belief, Seeed Development maintains a place of business in

11 the United States at 1933 Davis Street, San Leandro, CA, 94577.

12   7.   Upon information and belief, Seeed Inc. is a corporation organized under the laws

13 of California with its principal place of business at 1933 Davis St, San Leandro, CA, 94577. On

14 information and belief, Seeed Inc. is a wholly-owned subsidiary of Seeed Development. Seeed

15 Development and Seeed Inc. shall be collectively referred to as "Seeed" in the remainder of this

16 Complaint.   All allegations will apply equally to each company as both are Seeed entities.

17 Wireless Switch IP is further informed and believes, and on that basis alleges, that one or more

18 officers, employees, contractors, or persons otherwise authorized to perform duties on behalf of

19 Seeed Development and Seeed Inc. have made, used, sold and/or offered for sale products accused

20 in this Complaint in the course of performing their duties. Based on the foregoing, Wireless

21 Switch IP is further informed and believes, and on that basis alleges, that all of the following

22 allegations apply to both Seeed Development and Seeed Inc. equally.

23   8.   According to MediaTek's and Seeed's websites, MediaTek and Seeed

24 co-designed the LinkIt Assist 2502. MediaTek's website includes a "Buy Now" option for the

25 LinkIt Assist 2505, which when selected automatically directs customers to Seeed's website to

26 complete a sale. In this manner, MediaTek and Seeed offer infringing products for sale and use

27 throughout the United States, including in the Northern District of California. At least via their

28 respective websites and third party websites, MediaTek and Seeed advertise the infringing product

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1   throughout the Northern District of California, including on Amazon.com.   Defendants claim

2   additional financial benefits through conducting their businesses in California, including the

3   Northern District of California, where MediaTek USA and Seeed maintain offices.

JURISDICTION AND VENUE

5   9.   This action for patent infringement arises under the Patent Laws of the United

6   States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and

7   1338.

8   10.   This Court has both general and specific personal jurisdiction over MediaTek and

9   Seeed because Defendants have committed acts within the Northern District of California giving

10   rise to this action and have established minimum contacts with this forum such that the exercise of

11   jurisdiction over Defendants would not offend traditional notions of fair play and substantial

12   justice. Upon information and belief, Defendants directly and through subsidiaries and

13   intermediaries (including distributors, retailers, and others), have committed and continue to

14   commit acts of infringement in this District by, among other things, making, using, testing, selling,

15   importing, and/or offering for sale products that infringe the Wireless Switch IP Patents.

16   11.   Upon information and belief, MediaTek Inc. and MediaTek USA (collectively,

17   "MediaTek") transact and conduct business in this District and the State of California, and are

18   subject to the personal jurisdiction of this Court. Upon information and belief, MediaTek has

19   minimum contacts within the State of California and this District and has purposefully availed

20   itself of the privileges of conducting business in the State of California and in this District by, inter

21   alia, maintaining a regular and established place of business in this District, in San Jose, CA.

22   Wireless Switch's causes of action arise directly from MediaTek's business contacts and other

23   activities in the State of California and in this District. Upon information and belief, MediaTek

24   has committed acts of infringement, both directly and indirectly, within this District and the State

25   of California by, inter alia, using, selling, offering for sale, importing, advertising, and/or

26   promoting products that infringe one or more claims of the Wireless Switch IP Patents. More

27   specifically, MediaTek, directly and/or through intermediaries, uses, sells, ships, distributes, offers

28   for sale, advertises, and otherwise promotes its products in the United States, the State of

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1 California, and this District. Upon information and belief, MediaTek solicits customers in the

2 State of California and this District, and has customers who are residents of the State of California

3 and this District and who use MediaTek's products in the State of California and in this District.

4   12.   Upon information and belief, Seeed Development Limited and Seeed Inc.

5 (collectively "Seeed") transact and conduct business in this District and the State of California,

6 and are subject to the personal jurisdiction of this Court. Upon information and belief, Seeed has

7 minimum contacts within the State of California and this District and has purposefully availed

8 itself of the privileges of conducting business in the State of California and in this District by, inter

9 alia, maintaining a regular and established place of business in this District, in San Leandro, CA.

10 Wireless Switch's causes of action arise directly from Seeed's business contacts and other

11 activities in the State of California and in this District. Upon information and belief, Seeed has

12 committed acts of infringement, both directly and indirectly, within this District and the State of

13 California by, inter alia, using, selling, offering for sale, importing, advertising, and/or promoting

14 products that infringe one or more claims of the Wireless Switch IP Patents. More specifically,

15 Seeed, directly and/or through intermediaries, uses, sells, ships, distributes, offers for sale,

16 advertises, and otherwise promotes its products in the United States, the State of California, and

17 this District. Upon information and belief, Seeed solicits customers in the State of California and

18 this District, and has customers who are residents of the State of California and this District and

19 who use Seeed's products in the State of California and in this District.

20   13.   For the reasons set forth above, venue is proper in this district for MediaTek under

21 28 U.S.C. §§1391(b)-(d) and 1400(b) because Mediatek has transacted business in the Northern

22 District of California, maintains a regular and established place of business in this district, and has

23 committed acts of direct and indirect infringement in the Northern District of California.

24   14.   For the reasons set forth above, venue is proper in this district for Seeed under 28

25 U.S.C. §§1391(b)-(d) and 1400(b) because Seeed has transacted business in the Northern District

26 of California, maintains a regular and established place of business in this district, and has

27 committed acts of direct and indirect infringement in the Northern District of California.

28   **INTRADISTRICT ASSIGNMENT**

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1   15.   This is an intellectual property action and is assigned on a district-wide basis under

2 Civil L.R. 3-2(c).

COUNT 1: INFRINGEMENT OF THE '351 PATENT

4   16.   The allegations of paragraphs 1-12 of this Complaint are incorporated by reference

5 as though fully set forth herein.

6   17.   Wireless Switch IP owns by assignment the entire right, title, and interest in the

7 '351 Patent.

8   18.   The '351 Patent was issued by the United States Patent and Trademark Office on

9 April 8, 2008 and is titled "Method and Apparatus For Disabling The RF Functionality Of A

10 Multi-Function Wireless Communication Device While Maintaining Local Functionality." A true

11 and correct copy of the '351 Patent is attached hereto as Exhibit A.

12   19.   Pursuant to 35 U.S.C. § 282, the '351 Patent is presumed valid.

13   20.   A person of ordinary skill in the art reading the '351 Patent would understand that

14 the patent's disclosure and claims are rooted in complex computer-implemented operations that

15 require complex computer hardware and software technologies that can be used to overcome the

16 problem of how to allow a user of a device to access the various types of local functionality even

17 while the communication functionality of that device is disabled. By way of example, such

18 complex technology can comprise, among other things, first and second power supplies, a

19 computing unit, a radio communication unit, and a switch implemented in hardware or software or

20 both that selectively couples the radio communication unit to the second power supply to provide

21 first and second modes of operation.

22   21.   Upon information and belief, Defendants have directly infringed at least Claim 9 of

23 the '351 Patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, testing, selling,

24 importing, and/or offering for sale without authority its LinkIt Assist 2502 in the exemplary

25 manner described below:

26   A. The LinkIt Assist 2502 is a computer platform adapted to execute instructions

27   from a computer readable medium that cause the computing platform to

28   perform the claimed method.

COMPLAINT FOR PATENT INFRINGEMENT

B. The LinkIt Assist 2502 is adapted to execute the instructions to couple a user operated computing unit (e.g., the MT2502A microcontroller module) to a first power supply (e.g., the power supply circuitry that provides electrical power to the MT2502A microcontroller module).

C. The LinkIt Assist 2502 is adapted to execute the instructions to couple a radio communication unit (e.g., the Wi-Fi radio circuitry of the MT5931 Wi-Fi module) to a second power supply (e.g., the power supply circuitry that provides electrical power to the MT5931 Wi-Fi radio circuitry).

D. The LinkIt Assist 2502 is adapted to execute the instructions to selectively to selectively couple the radio communication unit to the second power supply in order to provide the first and second modes of operation, where the first mode of operation enables the computing unit and the radio communication unit and the second mode of operation disables the radio communication unit and enables the computing unit. For example, the MT5931 chipset of the LinkIt Assist 2502 includes a Power Management Unit (PMU) that includes wireless device switch that can be actuated using vm_wlan_mode_set to enable (e.g., via VM_WLAN_MODE_STA) and disable (e.g., via M_WLAN_MODE_OFF) the Wi-Fi radio circuitry by connecting and disconnecting it from the second power supply while enabling the computing unit.

Table 4 shows hardware components that require explicit enable and disable:

MODULE	Power on API	Power off API
Bluetooth	vm_bt_cm_switch_on	vm_bt_cm_switch_off
WiFi	vm_wlan_mode_set with VM_WLAN_MODE_STA	vm_wlan_mode_set with VM_WLAN_MODE_OFF
GSM/GPRS	vm_gsm_switch_mode	vm_gsm_switch_mode
GPS	vm_gps_open	vm_gps_close
LCM	Future release	Future release

Table 4 The functions available to enable and disable hardware components

MediaTek LinkIt Assist 2502 Developer's Guide at p. 44.

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22.   Defendants have thus infringed, and continue to infringe, at least Claim 9 of the '351 Patent by making, using, testing, selling, importing, and/or offering for sale the LinkIt Assist 2502 and other wireless-enabled development boards and related products, including within this District.

23.   The foregoing acts of infringement are exemplary. Wireless Switch IP is informed and believes, and on the at basis alleges, that Defendants have made, used, tested, sold, imported, and/or offered for sale numerous other wireless-enabled development boards and related products in the six years prior to the filing of the Complaint in this Action that infringe.

24.   Defendants' acts of direct infringement have caused, and continue to cause, damage to Wireless Switch IP, and Wireless Switch IP is entitled to recover from damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of Wireless Switch IP's exclusive rights under the '351 Patent has damaged and will continue to damage Wireless Switch IP.

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COUNT 2: INFRINGEMENT OF THE '070 PATENT

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25.   The allegations of paragraphs 1-21 of this Complaint are incorporated by reference as though fully set forth herein.

26.   Wireless Switch IP owns by assignment the entire right, title, and interest in the '070 Patent.

27.   The '070 Patent was issued by the United States Patent and Trademark Office on January 12, 2010 and is titled "Method and Apparatus For Disabling the RF Functionality Of A Multi-Function Wireless Communication Device While Maintaining Access To Local Functionality." A true and correct copy of the '070 Patent is attached hereto as Exhibit B.

28.   Pursuant to 35 U.S.C. § 282, the '070 Patent is presumed valid.

29.   A person of ordinary skill in the art reading the '070 Patent would understand that the patent's disclosure and claims are rooted in complex computer-implemented operations that require complex computer hardware and software technologies that can be used to overcome the problem of how to allow a user of a device to access the various types of local functionality even while the communication functionality of that device is disabled. By way of example, such

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1 complex technology can comprise, among other things, a switch implemented in hardware or
2 software or both.
3   30.   Upon information and belief, Defendants have directly infringed at least Claim 1 of
4 the '070 Patent in violation of 35 U.S.C. § 271 *et seq*., by making, using, testing, selling,
5 importing, and/or offering for sale in the United States without authority its LinkIt Assist 2502 in
6 the exemplary manner described below:

7   A. The LinkIt Assist 2502 is a communication device adapted to transmit and
8   receive information over a radio frequency communication link.

9   B. The LinkIt Assist 2502 contains a first power supply (e.g., the power supply
10   circuitry that provides electrical power to the MT2502A microcontroller
11   module and related circuitry).

12   C. The LinkIt Assist 2502 contains a computing unit coupled to the first power
13   supply (e.g., the MT2502A microcontroller module and related circuitry).

14   D. The LinkIt Assist 2502 contains a second power supply (e.g., the power supply
15   circuitry that provides electrical power to the Wi-Fi radio circuitry of the
16   MT5931 chipset).

17   E. The LinkIt Assist 2502 contains a radio communication unit coupled to the
18   second power supply (e.g., the Wi-Fi radio circuitry of the MT5931 chipset).

19   E. The LinkIt Assist 2502 contains a switch adapted to selectively couple the radio
20   communication unit to the second power supply to provide first and second
21   modes of operation, wherein the first mode of operation enables the computing
22   unit and the radio communication unit, and the second mode of operation
23   disables the radio communication unit and enables the computing unit. For
24   example, the MT5931 chipset of the LinkIt Assist 2502 includes a Power
25   Management Unit (PMU) that includes wireless device switch that can be
26   actuated using vm_wlan_mode_set to enable (e.g., via
27   VM_WLAN_MODE_STA) and disable (e.g., via M_WLAN_MODE_OFF) the
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COMPLAINT FOR PATENT INFRINGEMENT

1   Wi-Fi radio circuitry by connecting and disconnecting it from the second power

2   supply while enabling the computing unit.

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4   Table 4 shows hardware components that require explicit enable and disable:

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MODULE	Power on API	Power off API
Bluetooth	vm_bt_cm_switch_on	vm_bt_cm_switch_off
WiFi	vm_wlan_mode_set with VM_WLAN_MODE_STA	vm_wlan_mode_set with VM_WLAN_MODE_OFF
GSM/GPRS	vm_gsm_switch_mode	vm_gsm_switch_mode
GPS	vm_gps_open	vm_gps_close
LCM	Future release	Future release

Table 4 The functions available to enable and disable hardware components

MediaTek LinkIt Assist 2502 Developer's Guide at p. 67.

31.   Defendants have thus infringed, and continue to infringe, at least Claim 1 of the

'070 Patent by making, using, testing, selling, importing, and/or offering for sale the LinkIt Assist

2502 and other wireless-enabled development boards and related products, including within this

District.

32.   Defendants' customers have been and are now infringing, including under 35

U.S.C. §271(a), at least Claims 1 and 32 of the '070 Patent by using the LinkIt Assist 2502 and

other wireless-enabled development boards and related products.

33.   Defendants have by no later than the filing of the Complaint in this Action, known

or been willfully blind to the fact that such acts by its customers of using the LinkIt Assist 2502

and other wireless-enabled development boards and related products infringe at least Claims 1 and

32 of the '070 Patent.   Further, on information and belief, Defendants have done nothing to abate

infringement by their customers since the filing of the Complaint in this Action. Wireless Switch

IP is informed and believes, and on that basis alleges, that Defendants have not taken any action to

change or modify their behavior with respect to their products since they obtained knowledge of

infringement upon the filing of the Complaint in this Action. This supplies both the requisite

knowledge and scienter for indirect infringement where applicable.

34.   Defendants' knowledge of the '070 Patent, which covers using LinkIt Assist 2502

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1   and other wireless-enabled development boards and related products in their intended manner and

2   such that all limitations of at least Claims 1 and 32 of the '070 Patent are met, made it known to

3   Defendants that their customers' use of the LinkIt Assist 2502 and other wireless-enabled

4   development boards and related products would directly infringe the '070 Patent, or, at the very

5   least, rendered Defendants willfully blind to such infringement.

6   35.   Having known or been willfully blind to the fact that their customers' use of the

7   LinkIt Assist 2502 and related products in their intended manner and such that all limitations of at

8   least Claims 1 and 32 of the '070 Patent are met would directly infringe the '070 Patent,

9   Defendants, upon information and belief, actively encouraged and continues to actively encourage

10 its customers to directly infringe the '070 Patent by using, selling, offering to sell, or importing the

11 LinkIt Assist 2502 and other wireless-enabled development boards and related products, and, by,

12 for example, marketing the LinkIt Assist 2502 and other wireless-enabled development boards and

13 related products to customers; working with their customers to use and operate the LinkIt Assist

14 2502 and other wireless-enabled development boards and related products; fully supporting and

15 managing its customers' continued use of the LinkIt Assist 2502 and other wireless-enabled

16 development boards and related products; and providing technical assistance to customers during

17 their continued use of the LinkIt Assist 2502 and other wireless-enabled development boards and

18 related products. *See*, *e.g.*, MediaTek LinkIt Assist 2502 Developer's Guide at pp. 44 and 67,

19 describing how to enable and disable the Wi-Fi radio circuitry using vm_wlan_mode_set to enable

20 (e.g., via VM_WLAN_MODE_STA) and disable (e.g., via M_WLAN_MODE_OFF) the Wi-Fi

21 radio circuitry by connecting and disconnecting it from the second power supply while enabling

22 the computing unit.

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COMPLAINT FOR PATENT INFRINGEMENT

5.12.1.   Wi-Fi control

Call `vm_wlan_mode_set()` in order for your application be set to work in station(STA) to connect to access points, or VM_WLAN_MODE_OFF to disable the Wi-Fi radio. The application can perform following operations when in station mode.

1) Scan AP list: up to 16 APs can be scanned. The exact maximum number may be different in different hardware platforms.
2) Connect to an AP: application can connect to an AP with the SSID / auth mode / password.
3) Get information, such as MAC address / IP address / netmask settings.
4) Enable WLAN roaming: The WLAN roaming enables the station roaming between APs in an AP group.

MediaTek LinkIt Assist 2502 Developer's Guide at p. 67.

36.   Defendants induce their customers to infringe at least Claims 1 and 32 of the '070 Patent at least by encouraging them to operate the LinkIt Assist 2502 and other wireless-enabled development boards and related products, which, alone or in combination with the users' other devices, satisfy all the limitations of at least Claims 1 and 32 of the '070 Patent. *See, e.g.,* MediaTek LinkIt Assist 2502 Developer's Guide at pp. 44 and 67, describing how to enable and disable the Wi-Fi radio circuitry using vm_wlan_mode_set to enable (e.g., via VM_WLAN_MODE_STA) and disable (e.g., via M_WLAN_MODE_OFF) the Wi-Fi radio circuitry by connecting and disconnecting it from the second power supply while enabling the computing unit.

5.12.1.   Wi-Fi control

Call `vm_wlan_mode_set()` in order for your application be set to work in station(STA) to connect to access points, or VM_WLAN_MODE_OFF to disable the Wi-Fi radio. The application can perform following operations when in station mode.

1) Scan AP list: up to 16 APs can be scanned. The exact maximum number may be different in different hardware platforms.
2) Connect to an AP: application can connect to an AP with the SSID / auth mode / password.
3) Get information, such as MAC address / IP address / netmask settings.
4) Enable WLAN roaming: The WLAN roaming enables the station roaming between APs in an AP group.

MediaTek LinkIt Assist 2502 Developer's Guide at p. 67.

37.   Thus, Defendants have specifically intended to induce, and have induced, their

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1   customers to infringe at least Claims 1 and 32 of the '070 Patent, and Defendants have known of

2   or been willfully blind to such infringement. Defendants have advised, encouraged, and/or aided

3   its customers to engage in direct infringement, including through its encouragement, advice and

4   assistance to customers to use the LinkIt Assist 2502 and other wireless-enabled development

5   boards and related products.

6   38.   Based on, among other things, the foregoing facts, Defendants have induced, and

7   continue to induce, infringement under 35 U.S.C. § 271(b) of at least Claims 1 and 32 of the '070

8   Patent.

9   39.   Further, Defendants sell the LinkIt Assist 2502 and other wireless-enabled

10 development boards and related products that are especially designed and adapted—and

11 specifically intended by Defendants —to be used as components and material parts of the

12 inventions covered by the '070 Patent.

13   40.   Upon information and belief, Defendants also knew that the LinkIt Assist 2502 and

14 other wireless-enabled development boards and related products operate in a manner that satisfy

15 all limitations of at least Claim 1 of the '070 Patent.

16   41.   The wireless switch functionality and related wireless switch circuitry in the LinkIt

17 Assist 2502 and other wireless-enabled development boards and related products is specially made

18 and adapted to infringe at least Claim 1 of the '070 Patent. Upon information and belief, the

19 wireless switch functionality and related wireless switch circuitry functionality in the LinkIt Assist

20 2502 and other wireless-enabled development boards and related products is not a staple article or

21 commodity of commerce, and, because the functionality is designed to work with LinkIt Assist

22 2502 and other wireless-enabled development boards and related products solely in a manner that

23 is covered by at least claim 1 of the '070 Patent, it does not have a substantial non-infringing use.

24 By no later than the filing of the Complaint in this Action, based on the forgoing facts, Defendants

25 have known or been willfully blind to the fact that such functionality is especially made and

26 adapted for—and is in fact used in—the LinkIt Assist 2502 and other wireless-enabled

27 development boards and related products in a manner that is covered by the '070 Patent.

28   42.   Based on, among other things, the foregoing facts, Defendants have contributorily

COMPLAINT FOR PATENT INFRINGEMENT

infringed, and continues to contributorily infringe, at least Claim 1 of the '070 Patent under 35 U.S.C. § 271(c).

43.   Defendants' acts of direct and indirect infringement have caused, and continue to cause, damage to Wireless Switch IP, and Wireless Switch IP is entitled to recover from damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of Wireless Switch IP's exclusive rights under the '070 Patent has damaged and will continue to damage Wireless Switch IP.

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PRAYER FOR RELIEF

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WHEREFORE, Wireless Switch IP prays for the following relief:

A.   A judgment that Defendants have infringed one or more claims of the '351 Patent literally and/or under the doctrine of equivalents directly;

B.   A judgment that Defendants have infringed one or more claims of the '070 Patent literally and/or under the doctrine of equivalents directly and/or indirectly by inducing infringement and/or by contributory infringement;

C.   That for each Wireless Switch IP Patent this Court judges infringed by Defendants, this Court award Wireless Switch IP its damages pursuant to 35 U.S.C. § 284 and any royalties determined to be appropriate;

D.   That this be determined to be an exceptional case under 35 U.S.C. § 285;

E.   That this Court award Wireless Switch IP prejudgment and post-judgment interest on its damages;

F.   That Wireless Switch IP be granted its reasonable attorneys' fees in this action;

G.   That this Court award Wireless Switch IP its costs; and

H.   That this Court award Wireless Switch IP such other and further relief as the Court deems proper.

COMPLAINT FOR PATENT INFRINGEMENT

DATED: July 25, 2017   Respectfully submitted,

/s/ *M. Elizabeth Day*
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Attorneys for Plaintiff
WIRELESS SWITCH IP, LLC

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Civil L.R. 3-6(a), Wireless Switch IP demands a trial by jury for all issues so triable.

DATED: July 25, 2017   Respectfully submitted,

/s/ *M. Elizabeth Day*
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WIRELESS SWITCH IP, LLC

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